

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**RICHARD GINGERICH,**

**Plaintiff,**

**CIVIL ACTION NO. 07-CV-14600-BC**

**vs.**

**DISTRICT JUDGE THOMAS L. LUDINGTON**

**TERRY ARNOLD,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendant.**

**ORDER DENYING PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY  
AND  
ORDERING MICHIGAN ATTORNEY GENERAL'S OFFICE TO PROVIDE ADDRESS**

This matter comes before the Court on Plaintiff's Second Motion to Compel Discovery filed on January 13, 2009. (Docket no. 19). All pretrial matters have been referred to the undersigned. (Docket no. 3).

Plaintiff is a prisoner proceeding *pro se*. He is attempting to determine the location of the Defendant so that he may be served with process. The Court has issued two Orders for Plaintiff to Show Cause why this Defendant should not be dismissed for failure to effect service. (Docket nos. 9, 14). As a result of the earlier Motion to Compel Discovery filed by Plaintiff on November 18, 2008, this Court directed Plaintiff to serve proper discovery on the Michigan Department of Correction or the Michigan Attorney General's office to obtain the address of this Defendant. (Docket no. 18). Plaintiff then filed this second Motion to Compel Discovery but again fails to show that he has first served proper discovery. (Docket no. 19). Plaintiff's Motion to Compel is therefore premature and will be denied on that basis.

It is clear that all of the efforts thus far to obtain the address of Defendant Nurse Terry Arnold have been unsuccessful. In order to move this case along, the Court will order the Michigan Attorney General's office to advise whether Nurse Terry Arnold is presently an employee of the Michigan Department of Correction, and, if so, provide a current address where Nurse Arnold may be served. If Nurse Arnold is no longer employed by the State, the Attorney General is to provide Nurse Arnold's last known address.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel Discovery (docket no. 19) is **DENIED**.

**IT IS FURTHER ORDERED** that on or before February 6, 2009 the Michigan Department of Attorney General file under seal, as authorized by E.D. Mich. LR 5.1 and 5.3 and the ECF Filing Policies and Procedures, and pursuant to this Order, a statement advising whether Defendant Nurse Terry Arnold, formerly employed at the JMF prison, is currently an employee of the Michigan Department of Correction and, if so, provide a current service address for Defendant Arnold. If Defendant Arnold is no longer employed by the MDOC, the last known address should be provided.. The Clerk is directed to mail a copy of this Order to the Michigan Department of Attorney General.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 27, 2009

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this order was served upon Richard Gingerich and Counsel of Record on this date.

Dated: January 27, 2009

s/ Lisa C. Bartlett  
Courtroom Deputy